



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/2142  
#14  
10/8/03

In re application of:

Group Art Unit: 2142

JOHN T. PUGACZEWSKI et al.

Examiner: Melvin H. Pollack

Serial No.: 09/469,206

Filed: December 21, 1999

For: NETWORK MANAGEMENT SYSTEM AND  
GRAPHICAL USER INTERFACE

**RECEIVED**

OCT 01 2003

Attorney Docket No.: 1626 (USW 0529 PUS)

Technology Center 2100

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
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Sir:

This is a reply brief to the Examiner's Answer (Paper No. 13) in support of the appeal from the final rejection of claims 1-10 in the final office action dated January 29, 2003.

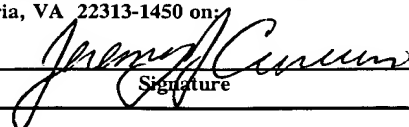
In the Examiner's Answer, the Examiner states that the invention recited by claims 1 and 4 fulfills the classic definition of a handshake, in which messages are transmitted back and forth between two computers to set up a communication. The Examiner states that the rejection is valid as long as the claim recitations are met by the Jones handshaking process, even if the handshaking process results in other activities. The Examiner goes on to state that "the only issue is whether the bandwidth change is in response to the method, which is shown

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in the teachings (col. 9, lines 45-50 and Figure 4). The details of this are further illustrated in col. 10, lines 55-67 and col. 11, lines 20-55.” Nevertheless, claim 1 specifically recites “remotely provisioning the switch with the network management system in response to receiving the message to throttle the network connection at the switch such that the connection bandwidth between the switch and the user access point is limited by the user selected bandwidth” in combination with other limitations. The recited throttling of the network connection at the switch is far different than the bandwidth changing and handshaking in Jones.

Accordingly, “remotely provisioning the switch with the network management system in response to receiving the message to throttle the network connection at the switch such that the connection bandwidth between the switch and the user access point is limited by the user selected bandwidth” in combination with the other recited limitations is believed to be patentable. The claimed combination has a number of advantages. For example, applicants’ specification at page 37, line 15 - page 38, line 2, describes throttling customer access PVCs at the ATM assigned switch port and the use of rate adaptive modems in combination with embodiments of the present invention.

The only parts of Jones that the Examiner has pointed out as suggesting the claimed throttling feature are col. 4, lines 53-63 and col. 5, lines 5-10. These parts of Jones fail to suggest the recited feature let alone combining such a feature with the other recited elements in claim 1. Column 4, lines 53-63 of Jones describes the fanning out of  $(nB + D)$  upstream and  $(mB + D)$  downstream channels. A statistical multiplexer multiplexes available bit rate (ABR) and variable bit rate (VBR) data traffic from different sources. These features of Jones are shown in Figure 1. Column 5, lines 5-10 describe enabling the number of upstream and downstream channels to differ and enabling the number of upstream and downstream channels to vary from call to call and within a call. However, Jones fails to suggest the specific throttling technique recited by claim 1. Jones only describes connecting the user signal to the local switch fabric to the transport network bandwidth using a traditional

handshaking technique as opposed to the claimed technique of throttling the network connection at the switch in response to receiving the messages as recited by claim 1.

The Examiner has made various further references to the handshaking process of Jones, and has suggested that the only issue is whether the bandwidth changes in response to the message. However, the prior art fails to suggest the specific claimed technique recited by claim 1. For the reasons discussed above and in the appeal brief, it is respectfully submitted that claims 1-10 are patentable. The final rejection of claims 1-10 should be reversed.

Respectfully submitted,

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